



NEW YORK STATE SENATOR
BRAD HOYLMAN

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COMMUNITY BOARD FOUR

September 2014

Dear Neighbor:

The following is a summary of some of my activities since my last report to Community Board Four (CB4). Many of my attached letters, testimonies, and press releases may also be found on my website at www.hoylman.nysenate.gov.

If you have any ideas, questions, or concerns, please feel free to contact me or Robert Atterbury in my office at **212-633-8052** or via email at robert@bradhoylman.com. Visit my website for updates on my activities and other information you may find of interest

Best regards,

Brad Hoylman
State Senator
27th District

Bankruptcy Shouldn't Cost Stabilized Tenants Their Homes

Last week, Assembly Member Rosenthal and I jointly spearhead an amicus brief on behalf of 16 elected officials that was submitted to the New York State Court of Appeals. A constituent of mine who lives in the East Village has been undergoing the painful process of declaring bankruptcy after her husband passed away. Her landlord, in an effort to destabilize her apartment, offered the official in charge of her assets to purchase her lease, a process that is otherwise outside the bounds of rent regulation. In our brief, we argue that it is illegal to sell a stabilized lease, and that doing so threatens to undermine the program as a whole. Please see our press release attached.

Applauding U.S. Attorney for Stripping Pensions from Corrupt Pols

On August 29, I issued a statement applauding United States Attorney Preet Bharara for his victory in compelling a former Council Member to forfeit future pension payments until he repays the funds he was convicted of stealing, and renewing the call for

passage of my legislation, S.4836-B, to make pension reduction or forfeiture automatic for all elected officials convicted of felony corruption. Elected officials have an obligation to follow the U.S. Attorney's lead in rooting out corruption and restore the public trust. I'm committed to working with my legislative colleagues and Governor Cuomo towards this end. Please see my statement attached.

New York State Must Hold Tour Bus Companies Accountable

Following two serious collisions involving three Twin America LLC double-decker sightseeing buses in our Senate District, I sent a letter to the New York State Department of Transportation (DOT) to request an investigation into whether the bus operator has complied with DOT safety regulations, including the mandatory reporting of collisions. As the *Daily News* and *DNAinfo* reported, I urged DOT to make public all information about the collision history of bus operators and to expand accident reporting regulations to include incidents resulting in property damage, even if no persons are injured. Please see my letter attached.

28th Street Speed Humps

After hearing concerns from Penn South residents, earlier this summer I wrote to the NYC Department of Transportation to request the restoration of speed humps that were previously on 28th Street between Eighth and Ninth Avenues but were removed for now-completed road work. DOT responded that storage containers on the block that are being used for Penn South's HVAC project are preventing DOT from re-installing the speed humps. DOT has committed to restore the speed humps after the containers are removed and I will follow up with the agency to ensure it does so.

Making a Safer 15th Street

Last month I was joined by Congresswoman Carolyn Maloney, Borough President Gale Brewer, Assembly Member Richard Gottfried and Council Member Corey Johnson in writing to the New York City Police Department and the New York City Department of Transportation to support several traffic safety requests of the West 15th Street 100 & 200 Block Association. The requests included several common-sense measures such as safety officers at major intersections when traffic is routed off 14th Street and onto 15th Street and the installation of speed humps, similar to those already installed on 16th and 17th streets. Please see our letters attached.

Apply for Senior/Disability "Rent Freeze" – Wednesday, September 17

As a result of action taken at the state and local level, the household income cap for New York City's Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs has been increased to \$50,000. To help senior and disabled constituents determine their eligibility and apply for these critical rent freezes, I'm hosting a SCRIE/DRIE Workshop on Wednesday, September 17 from 6 - 8 p.m. at the Hudson Guild – Elliott Center, 441 West 26th Street, 2nd Floor, between 9th and 10th Avenue. Please see the attached flyer for more information, including event co-sponsors, eligibility guidelines and what documentation to bring. Contact me at (212) 633-8052 or hoylman@nysenate.gov with any questions or to RSVP. This is the fourth of

a series of these workshops I've helped bring to our senate district in partnership with government colleagues.

St. Joseph's Immigrant Home

In recent months I have been working with organizers from Housing Conservation Coordinators, SRO Law Project, Gale Brewer, Assembly Member Richard Gottfried and Council Member Corey Johnson to help protect tenants at St. Joseph's Immigrant Home from rent increases of up to 50%. We met with the Archdiocese and collectively stressed the importance of maintaining the affordability of this residence for its working class tenants, most of whom are unable to pay such steep increases, and urged the church and its attorneys to reconsider imposing any increase in rent. I am continuing to work with tenants to prevent such drastic rent increases and maintain the home's affordability for its residents.

Taking on a Notorious Landlord

Since I took office, I've helped tenants living in buildings owned by Croman / 9300 Realty fight the flagrant attempts to force them out of their rent-regulated apartments. As The Villager recently reported, I have been working with Senator Daniel Squadron, Council Member Rosie Mendez and other local elected officials as well as Cooper Square Committee, Good Old Lower East Side (GOLES) and the tenant-led Stop Croman Coalition to address Croman's systemic pattern of tenant harassment and intimidation. We had a major victory last month when Attorney General Eric Schneiderman heeded our call and launched an investigation into Croman. I'll continue to work with my colleagues in Albany to find ways to protect tenants from him and similar unscrupulous landlords.

Continued Fight for a Fair Minimum Wage

On August 28, I joined members of the statewide Raise Up New York movement on the steps of City Hall to renew the call for municipal control of the minimum wage. The "one size fits all" minimum wage doesn't work in New York State, which has vastly different local economies. In NYC, for example, the cost of living is 83.3% higher than in Buffalo, 90.6% higher than Syracuse and 91.7% higher than Binghamton. Allowing municipalities to enact locally-adjusted minimum wages would help the working poor in high-cost areas of New York.

Opposing Proposed Comcast-Time Warner Cable Merger

As a result of a new law enacted this year, New York State has the power to subject proposed telecommunications mergers to rigorous review and require that the parties demonstrate the transaction is in the public interest. On July 31, I was joined by Assembly Member Richard Gottfried in submitting testimony to the New York State Public Service Commission (PSC) expressing opposition to the currently proposed merger of Comcast and Time Warner Cable, which could be bad news for consumers. Please see our testimony attached. I'm pleased, also, that Governor Cuomo has recently ordered a review of the merger by the PSC in light of recent internet outages.

NYCHA Draft Annual Plan

On July 24, I submitted testimony to the New York City Housing Authority (NYCHA) on its 2015 Draft Annual Plan. While NYCHA has certainly made strides to reform its operations under Mayor de Blasio, there's still more that must be addressed in its final Annual Plan. I expressed my support for the concerns and recommendations expressed in the Alliance to Preserve Public Housing's position paper, which I endorsed, and highlighted several areas of particular concern, including the need for rigorous public review before any NYCHA land disposition and the need for code enforcement complaints by NYCHA tenants to be handled in the same manner as those of private housing residents. Please see my testimony attached.

Preserve Free Tuition at Cooper Union

On August 15, I joined the Committee to Preserve Cooper Union in a rally outside the courthouse where arguments were heard in its lawsuit to block the school from ending its long history as one of the nation's few free institutions of higher learning. As I stated in an op-ed I wrote on the topic, charging tuition at Cooper Union — a beacon of educational equality in Manhattan's rapidly changing East Village — jeopardizes the college's reputation and its standing in our community. I further noted that Cooper Union enjoys considerable taxpayer support. Please see my op-ed attached.

Free Flu Shots – Thursday, October 2 in my Office

On Thursday, October 2, from 10 a.m. - 1 p.m. in my office in Chelsea, Visiting Nurse Service of New York will be providing free flu shots to adults and kids nine years and older with parental consent. Space is limited and appointments are recommended to guarantee your shot. For more information or to make an appointment, call my office at (212) 633-8052 or email hoylman@nysenate.gov with your complete contact information and the time you would like to schedule your shot.

People's Climate March – Sunday, September 21

On September 23, world leaders will converge on New York City for the United Nations Climate Summit 2014. I urge you to join me on Sunday, September 21 at the People's Climate March to greet the delegates and demand they adopt an ambitious global agreement to dramatically reduce global warming pollution, protect our natural resources and secure environmental justice. The March will step off at 11:30 a.m. just north of Columbus Circle and end on Eleventh Avenue between 34th Street and 38th Streets. For more information and to sign up to attend, visit www.peoplesclimate.org/march.



BRAD HOYLMAN
NEW YORK STATE SENATOR
27TH DISTRICT

FOR IMMEDIATE RELEASE

September 3, 2014

CONTACT:

Julia Alschuler (NYS Senator Hoylman) – (212) 633-8052 or (917) 678-6038

State Senator Brad Hoylman and Assemblymember Linda B. Rosenthal File Amicus Curiae Brief with the New York State Court of Appeals in *In re Santiago-Monteverde*:

Filing for Chapter 7 Bankruptcy Should not Result in Homelessness for Rent-Regulated Tenants

New York, NY – State Senator Brad Hoylman (D/WFP - Manhattan) and Assemblymember Linda B. Rosenthal (D/WFP -Manhattan) today filed an amicus curiae brief with the New York State Court of Appeals in the case *In re Santiago-Monteverde*, which will determine whether bankruptcy trustees are permitted to sell a tenant/debtor’s rent-regulated lease to the landlord to satisfy the tenant/debtor’s creditors. The brief, which was signed by 16 of their colleagues in the State Legislature, was filed August 29 with the Court of Appeals and seeks to clarify the legislative intent by arguing that this course of action is prohibited by both New York’s rent and bankruptcy laws.

“Tenants everywhere should be concerned about this case. If the trial court decision stands, unscrupulous landlords will have a new tool at their disposal to go after tenants and force them from their homes,” said State Senator Brad Hoylman, who represents the Appellant in the case, East Village tenant Mary Veronica Santiago-Monteverde.

“The future of our rent regulation laws hangs on the outcome of this matter, so I’m extremely grateful to Latham & Watkins for their pro bono support.”

“Plain and simple, the lower courts got it wrong,” said Assemblymember Linda B. Rosenthal. “Filing for bankruptcy won’t land you in debtor’s prison anymore, but according to the lower courts, if you’re a rent-regulated tenant, it could leave you homeless; not only is that unfair, it’s contrary to the Legislature’s intent.”

The case involves Mary Veronica Santiago-Monteverde, a 79-year-old widow who sought the protection of Chapter 7 bankruptcy after the death of her husband left her with thousands of dollars in unpaid medical bills. Santiago-Monteverde is also a rent-stabilized tenant who has lived in her Lower East Side apartment since the early 70s. Following her bankruptcy filing, the trustee allowed her landlord to buy her rent-stabilized unit to maximize her assets which would be used to satisfy her creditors. Santiago-Monteverde, fearing homelessness, contacted an attorney. Her case will be heard by the New York State Court of Appeals in the fall; federal courts have ruled against her.

The Emergency Tenant Protection Act (ETPA) was enacted to protect consumers against a housing market that was in a state of emergency, with skyrocketing rents and very little available stock. The ETPA will remain in effect so long as New York remains in a state of housing emergency, which occurs when the vacancy rate dips below 5%. New York’s vacancy rate in 2013 was 1.7%. In enacting the ETPA, the Legislature never countenanced or intended that a rent-regulated lease could or would be monetized, which is precisely the result of the bankruptcy trustee’s liquidation of the rent-regulated lease.

“Under no circumstances did the Legislature intend to create a situation in which rent-regulated tenants in this State would be forced to choose between availing themselves of the legal protections afforded by bankruptcy and homelessness,” continued Assemblymember Linda B. Rosenthal. “What’s more, allowing this practice to continue will undermine the very system we created to provide affordable housing working-class New Yorkers and their families.”

Senator Hoylman added, “The Courts should not subvert our rent laws by forcing a tenant to sell her lease – something that is explicitly illegal in any other context. To do otherwise would set a dangerous precedent that could gut affordable housing protections in New York.”

If the New York State Court of Appeals rules against Santiago-Monteverde, it could not only mean spell homelessness for a senior widow; it would also erode the rent regulation system. New York City has lost hundreds of thousands of units of affordable housing to vacancy decontrol and illegal deregulations. A rubber stamp on this practice

could provide landlords with another legal means, albeit one never intended by the rent laws, to deregulate units.

To further clarify the Legislature's intent, Assemblymember Linda B. Rosenthal introduced legislation, bill A.10186. The bill clarifies that an exemption, like the homeowner's exemption, implicitly exists and would prevent trustees from selling rent-regulated leases in bankruptcy. "Unfortunately, overzealous trustees are flagrantly disregarding the law, both bankruptcy and rent laws, in their crusade to maximize assets, and I was forced to introduce this legislation to make clear that the Legislature in creating rent regulation, never intended for this action to be legal," said Assemblymember Rosenthal.

Senator Brad Hoylman represents the 27th Senate district, which includes Clinton/Hell's Kitchen, Chelsea, Greenwich Village, the Upper West Side, Midtown/East Midtown, Columbus Circle, Times Square, Stuyvesant Town-Peter Cooper Village, the East Village and Lower East Side.

Assemblymember Linda B. Rosenthal represents the 67th Assembly district, which includes the Upper West Side and parts of the Clinton/ Hell's Kitchen neighborhoods in Manhattan.

List of Officials who have signed onto the brief:

New York State Assemblymembers:
Assemblymember Linda B. Rosenthal
Assemblymember Michael Benedetto
Assemblymember James F. Brennan
Assemblymember Karim Camara
Assemblymember Jeffrey Dinowitz
Assemblymember Herman D. Farrell, Jr.
Assemblymember Deborah Glick
Assemblymember Richard Gottfried
Assemblymember Walter Mosley
Assemblymember Keith Wright

New York State Senators:
Senator Brad Hoylman
Senator Tony Avella
Senator Adriano Espaillat
Senator Liz Krueger
Senator George Latimer
Senator Bill Perkins
Senator Gustavo Rivera
Senator Daniel Squadron

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BRAD HOYLMAN
NEW YORK STATE SENATOR
27TH DISTRICT

FOR IMMEDIATE RELEASE

August 27, 2014

CONTACT: Julia Alschuler (NYS Senator Hoylman) – (212) 633-8052 or (917) 678-6038

**Senator Hoylman Applauds Preet Bharara For Scoring Victory In
Campaign To Capture Pensions Of Corrupt Politicians**

*Renews Call for Passage of His Legislation to Make Pension Reduction or Forfeiture
Mandatory and Automatic for All Elected Officials Convicted of Felony Corruption*

Hoylman: "We Must Restore the Public's Trust"

"I applaud United States Attorney Preet Bharara for his aggressive pursuit of the public pension payments made to corrupt elected officials. It's certainly a victory that he compelled former Council Member Miguel Martinez to forfeit future pension payments until he repays the \$106,000 he was convicted of stealing, but such forfeiture should be automatic and permanent for all elected officials who betray the public's trust.

"I renew my call for passage of [S.4836](#), which closes a loophole in the state's *Public Integrity Reform Act of 2011* exempting legislators elected before 2011 who are convicted of felonies related to their office from mandatory forfeiture or reduction of their public pensions. My bill does this without the need for a cumbersome and lengthy constitutional amendment process by tying an agreement to forfeit one's pension in the event of a felony conviction for corruption to acceptance of per diems.

"We have an obligation to follow Preet Bharara's lead in the effort to root out corruption and restore the public's trust in government. I am committed to working with my colleagues in the legislature and Governor Cuomo toward this end."

BRAD HOYLMAN
27TH SENATE DISTRICT

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THE SENATE
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER:
CONSUMER PROTECTION
INVESTIGATIONS &
GOVERNMENT OPERATIONS
COMMITTEES:
CODES
CRIME VICTIMS, CRIME &
CORRECTION
CULTURAL AFFAIRS, TOURISM,
PARKS & RECREATION
JUDICIARY

August 13, 2014

The Honorable Joan McDonald
Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Dear Commissioner McDonald:

I am writing to request that the Department of Transportation (DOT) conduct an investigation into whether Twin America LLC ("Twin America") has complied with DOT safety regulations, including the mandatory reporting of accidents, to make public all information the agency has collected about the accident history of bus operators pursuant to those regulations, and to promulgate new regulations that would expand accident reporting requirements to include incidents resulting in property damage

In the past two months, there have been at least two incidents in my Senate district involving double-decker sightseeing buses owned and operated by Twin America. On June 18, one of the company's buses struck and seriously injured a woman in the West Village. On August 5, a collision between two Twin America-owned buses in Times Square injured more than a dozen people.

According to DOT regulations, operators of double-decker sightseeing buses subject to DOT inspection are required to report any accident "which results in the loss of life or injury of any passenger, employee or other person, or which was caused by mechanical failure," within 48 hours of the incident.¹

In a recent news article about the August 5 incident, a DOT spokesman stated that your agency was unable to quantify the accidents in which a particular bus operator has been

¹ 17 NYCRR § 722.1-722.2.



Commissioner Joan McDonald

August 13, 2014

Page 2

involved.² The above-referenced regulation, however, indicates that DOT should be collecting a report for every accident involving a bus under its inspection jurisdiction, including the June 18 and August 5 incidents.

I ask that DOT investigate whether Twin America, including its subsidiaries Gray Line New York and CitySights NY, have complied with the agency's safety requirements, including submitting mandatory accident reports, pursuant to DOT's statutory authority to conduct such inquiries under section 140(2)(b) of the New York State Transportation Law. I am also asking that you make publicly available all of the accident reports your agency has received from bus operators, so that the public has the information necessary to make informed decisions about which bus companies to frequent. Furthermore, I ask that you consider expanding the accident reporting requirement found in section 722.1 of the DOT regulations to include any accidents that result in property damage, even if no persons are injured.

I appreciate your consideration of my requests and look forward to your response.

Sincerely,



Brad Hoylman
New York State Senator
27th District

² "Double-decker buses don't have to report accidents," New York Post, Aug. 10, 2014.



August 15, 2014

Polly Trottenberg
Commissioner
NYC Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

Dear Commissioner Trottenberg:

Recently, our offices were contacted by the West 15th Street 100 & 200 Block Association regarding requests it has made over the years to the New York City Department of Transportation (DOT) to improve traffic safety within their neighborhood. As representatives of Chelsea, we wish to bring to your attention the attached letter outlining those requests, which include restoring pre-existing enhanced crosswalks at 14th Street and Eighth Avenue, installing speed humps on 15th Street similar to those on 16th and 17th Streets, and better monitoring of traffic detours by government entities and private companies.

For some time, public safety on West 15th Street has been a concern for local residents, who report many drivers use the block as an alternative to 14th Street to get to Route 9A. We are grateful for the measures that DOT has already introduced along West 15th Street and the surrounding area, and urge the department to give these requests due consideration. We are also reaching out to the New York Police Department regarding the enforcement concerns addressed in the attached letter.

Thank you for your consideration and for the work you do to ensure the safety of all New Yorkers. Should you have any questions or need to follow up, please contact Robert Atterbury in Senator Hoylman's office at 212-633-8052.

Sincerely,

Carolyn B. Maloney
Carolyn B. Maloney
Congresswoman

Gale A. Brewer
Gale Brewer
Manhattan Borough President

Brad Hoylman
Brad Hoylman
State Senator

Richard N. Gottfried
Richard N. Gottfried
Assembly Member

Corey Johnson
Corey Johnson
Council Member

Enclosure



August 15, 2014

Michele Irizarry
Deputy Inspector
NYPD 10th Precinct
230 West 20th Street
New York, NY 10011-3502

Dear Deputy Inspector Irizarry:

Recently, our offices were contacted by the West 15th Street 100 & 200 Block Association regarding a number of traffic and pedestrian safety concerns. As representatives of Chelsea, we wish to bring to your attention the attached letter, especially those concerns therein relating to traffic enforcement. In particular, the block association notes the prevalence of illegal and speeding trucks, motorcycles driving the wrong way, and poor monitoring of traffic detours.

For some time, public safety on West 15th Street has been a concern for local residents, who report many drivers use the block as an alternative to 14th Street to get to Route 9A. We are grateful for the efforts the 10th Precinct has already made to control traffic within its borders and urge the Precinct to give these requests for increased enforcement on the 100 and 200 blocks of West 15th Street due consideration.

Thank you for your consideration and for the work you do to ensure the safety of all New Yorkers. Should you have any questions or need to follow up, please contact Robert Atterbury in Senator Hoylman's office at 212-633-8052.

Sincerely,

Carolyn B. Maloney
Carolyn B. Maloney
Congresswoman

Gale A. Brewer
Gale Brewer
Manhattan Borough President

Brad Hoylman
Brad Hoylman
State Senator

Richard N. Gottfried
Richard N. Gottfried
Assembly Member

Corey Johnson
Corey Johnson
Council Member

Encl.



NEW YORK STATE SENATOR
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Senator Brad Hoylman invites you to a

Senior and Disability Rent Freeze Workshop

(Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption)

**We changed the law to raise the SCRIE/DRIE household income cap to \$50,000.
Come see if you qualify to have your rent frozen and sign up!**

Hudson Guild - Elliott Center
Wednesday, September 17, 2014
6 – 8 p.m.
441 West 26 Street
(between Ninth and Tenth Avenues)

Co-Sponsored by:

**Comptroller Scott Stringer • Congressman Jerrold Nadler • Borough President Gale Brewer
Senator Adriano Espaillat • Assembly Member Richard Gottfried • Council Member Corey Johnson
NYC Department of Finance • Community Boards 4 & 5 • Hudson Guild • Legal Aid Society**
(list in formation)

You qualify if you:

- Are at least 62 years old or receive SSI, SSDI, a VA disability pension or compensation, or disability related Medicaid if you have received either SSI or SSDI in the past.
- Have a total annual household income of \$50,000 or less
- Pay more than one-third of the household's total monthly income for rent
- Live in a rent-controlled, rent-stabilized or Mitchell-Lama apartment, Redevelopment Company development, or HDFC or federally-assisted coop
- Do not live in NYCHA, Section 8 or similar housing

What you should bring in order to apply:

- Proof of your date of birth (driver's license, birth certificate, passport, government ID, etc.)
- Proof of income for yourself and all household members for 2013, including any W-2 forms, 1099 forms, pension or SSI/SSDI statements, etc.
- Your prior and current lease, signed by both you and your landlord. If you are a rent-controlled tenant without a lease, bring a Notice of Maximum Collectible Rent, and Certification of Fuel Cost Adjustment for 2013
- Any notices of Major Capital Improvement charges you received in the past 2 years
- A tax statement, if you filed taxes for 2013

For more information or to RSVP, contact Senator Hoylman at [212-633-8052](tel:212-633-8052) or hoylman@nysenate.gov.

**ASSEMBLY MEMBER
RICHARD N. GOTTFRIED**
242 West 27th Street
New York, NY 10001
212-807-7900



**STATE SENATOR
BRAD HOYLMAN**
322 8th Avenue, Suite 1700
New York, NY 10001
212-633-8052

**Testimony of New York State Senator Brad Hoylman
and Assembly Member Richard N. Gottfried
to the New York State Public Service Commission
Regarding the Proposed Merger of Comcast and Time Warner Cable**

July 31, 2014

Our names are Brad Hoylman and Richard Gottfried and we represent New York State's 27th Senate District and 75th Assembly District, respectively. Thank you for the opportunity to submit testimony to the Public Service Commission regarding the proposed merger of Comcast and Time Warner Cable.

We believe that this merger, by combining the nation's two largest cable operators, would create a highly monopolized environment for cable and internet services, and would therefore be antithetical to the public interest. Not only would this deal have negative consequences for Comcast's and Time Warner's customers, but other cable subscribers throughout the state and the country stand to suffer as well.

With this merger, Comcast would amass 30 million subscribers and a roughly 30% market share of television and internet services nationally. Such domination of this marketplace could likely increase prices, reduce the quality of service, and limit consumer choice. In 2013, Comcast and Time Warner Cable were the two lowest ranked internet service providers according to the American Customer Satisfaction Index. Even those Americans who do not live in areas covered by Comcast or Time Warner would likely see their service deteriorate and prices rise due to diminished overall industry standards.

The sheer size of this consolidated company would also allow it to exercise enormous influence over the nature of available viewing content, tilt the playing field in its regulatory favor through intensified lobbying efforts, and provide unfair negotiating power over network licensing fees.

Many consumers, both locally and nationally, are already severely limited in their choice of cable providers, and this merger would present a further constriction of the market. We should instead, do everything within our power to increase the options for cable consumers, such as precluding the market dominance that this merger would create.

In addition to the direct effects of restriction of consumer choice and deterioration of service that this merger might create, there are likely to be indirect effects as well. Technological innovation, which has recently become a key component of the American economy, also stands to suffer, as it is highly reliant on accessible and dependable internet service. If this deal is allowed to proceed, Comcast would become the sole option for many businesses in 19 of the 20 biggest metropolitan areas around the country. Such exclusivity has the potential to stifle technological developments and hinder our consumption of new technologies.

In closing, the merger of Comcast and Time Warner Cable would have deeply negative repercussions for consumers, families, and businesses, not just in New York but throughout the United States. We urge the Public Service Commission to duly consider the public interest and oppose this merger. Alternatively, should this merger be approved, we support New York City Comptroller Scott Stringer's recent call for Comcast to present a comprehensive and practicable plan for boosting broadband access as part of its merger approval process. We believe that the Public Service Commission should do everything within its power to encourage Comcast to expand access to broadband, especially for lower-income New Yorkers by reducing the eligibility requirements and increasing publicity for its Internet Essentials program, and ensuring the highest possible speeds and quality of service for all its customers.

Thank you for your time, and for your consideration of our comments.

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27TH SENATE DISTRICT

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COMMITTEES:

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CRIME VICTIMS, CRIME &
CORRECTION
CULTURAL AFFAIRS, TOURISM,
PARKS & RECREATION
JUDICIARY

**Testimony of New York State Senator Brad Hoylman
On the New York City Housing Authority's
Draft 2015 Annual Plan**

July 24, 2014

I represent New York State's 27th Senate District, in which Campos Plaza I and II, Jacob Riis Houses I and II, 344 East 28th Street, Fulton Houses, Lower East Side III, Lower East Side Rehab, and parts of Harborview Terrace, Chelsea, and Elliott Houses are located. As the State Senator representing the residents of these New York City Housing Authority (NYCHA) developments as well as residents of Section 8 Leased Housing and other NYCHA units, I am particularly concerned about New York City's public housing stock and the well-being of its residents. Thank you for this opportunity to submit testimony on NYCHA's Draft Annual Plan for Fiscal Year 2015 ("Draft Plan").

When I testified last year on the Draft 2014 Annual Plan, the situation was dire. NYCHA was still paying the City of New York for police services and vehicles that public housing residents were already paying for with their taxes, residents had not seen a significant improvement in conditions from the agency's new Maintenance & Repair Action Plan, an ill-considered infill/land lease plan was set to move forward, and confidence of residents in the agency was low. I am pleased to note that much has changed since then. Most significantly, I commend Mayor de Blasio for forgiving NYCHA's annual payment of approximately \$70 million to the New York Police Department from the beginning of 2014 through the end of Fiscal Year 2015. I am hopeful that the memoranda of understanding that cover police payments as well as \$29 million annually in PILOT payments and approximately \$1 million annually for special sanitation pickups will be permanently discontinued. I also applaud the Mayor and NYCHA for committing to upgrade and preserve public housing, as outlined in the Mayor's Housing New York Plan, and for renewing efforts to improve outreach and communication with residents.

While I appreciate the steps that NYCHA has already taken under Mayor de Blasio and Chair & Chief Executive Officer Shola Olatoye, there is still more that must be



addressed in the final Annual Plan. I share the concerns and recommendations expressed in the Alliance to Preserve Public Housing's ("the Alliance") position paper, to which I signed on, and wish to highlight several points in particular.

The infill/land lease plan advanced by the previous administration without proper public input or engagement was extremely troubling. To ensure NYCHA residents and other community members have a real say on any such plans, I introduced Senate Bill 4641, the *NYCHA Real Property Public Review Act*, which would require that any disposition of land or buildings by NYCHA be subject to the Uniform Land Use Review Procedure ("ULURP"). I am pleased that the Draft Plan does not include the developments – including Campos Plaza in my district – targeted last year for infill/land lease and Section 18 disposition. However, both the Draft Plan and the Mayor's Housing New York Plan indicate the city will make use of available land in NYCHA developments for affordable housing and community redevelopment. Should NYCHA pursue these opportunities, community engagement must be robust and begin at the earliest stage in the process. NYCHA must comply with ULURP and hold special public hearings on Section 18 dispositions, and, to the extent possible, newly-created units must be affordable to low-income New Yorkers and give preference to current residents, with a priority placed on senior housing.

While I welcome NYCHA's renewed commitment to improving maintenance response and I am pleased to hear reports of its success in reducing the backlog of open work orders, problems persist and the need for transparency and accountability is great. I continue to hear from constituents who reside in public housing that requests for repairs have long gone unanswered. I believe the root of these delays is in the disparate treatment of code enforcement complaints by residents of public versus private housing. As you know, NYCHA residents currently submit all requests for maintenance and repairs to the Authority's own Customer Contact Center, which does not make that information publicly available. In addition, unlike private housing tenants, NYCHA residents cannot file complaints with other City agencies regarding suspected code violations in their apartments. Last year, I spearheaded a letter signed by a number of Alliance members to the then-Mayor and NYCHA Chair requesting the authorization of all agencies responsible for ensuring the safety and habitability of our City's housing stock, including the New York City Department of Housing, Preservation and Development, to process and respond to 311 complaints by public housing residents about their apartments and buildings. I respectfully ask that this unfulfilled request be honored by the current administration and adopted in the Final Annual Plan.

I appreciate the intent of the modification to the Tenant Selection and Assignment Plan to prioritize 750 of the NYCHA apartments that become available each year for assignment to homeless families; however this does not go far enough to address the homelessness crisis in our city. I urge NYCHA to allocate 2,500 units a year to homeless

families, eliminate the “working family” preference, and revert to the longstanding need-based system that gave our most vulnerable, including the homeless, domestic violence victims, and people with disabilities whose housing is a threat to their health, priority for newly available units. Public housing is a scarce resource; it should be allocated to those who need it most.

Regarding NYCHA’s continued intention to apply to the U.S. Department of Housing and Urban Development (“HUD”) to become a Moving-to-Work (“MTW”) agency, should legislation be enacted authorizing it to do so, I strongly believe that NYCHA must sign onto a binding Memorandum of Understanding explicitly stating that it will not take advantage of the program’s more regressive provisions, including significant rollbacks of residents’ rights, increases in the cap on rent in relation to percentage of income, and the imposition of work requirements on tenants. In addition, I urge NYCHA to subject the MTW proposal to rigorous public reviews, including specific and comprehensive written proposals, 45-day review periods and public hearings.

I am also deeply concerned about the Draft Plan’s proposed cuts to Section 8 Housing Choice vouchers. Such cuts will inevitably result in a flood of newly homeless families entering a shelter system that is bursting at the seams. As the Alliance has noted, NYCHA must put pressure on HUD to provide the Authority its fair share of the funds set aside to deal with the impact of the 2013 federal sequester on Section 8 residents. I also recognize that the State has an obligation to increase the shelter allowance payment for publicly-assisted Section 8 tenants in NYCHA buildings to the full levels now received by private landlords. Securing this increase is a high priority for me heading into the 2015 Legislative Session, and I urge NYCHA to continue to press me and my colleagues in Albany on this matter.

Thank you for your consideration of my comments as well as the testimony submitted by the Alliance to Preserve Public Housing. I look forward to continuing to work with NYCHA to preserve safe, affordable, and decent public housing for New York’s most vulnerable and disadvantaged residents.



PRESERVE FREE TUITION AT COOPER UNION

BY BRAD HOYLMAN | AUG 11, 2014

Charging tuition at The Cooper Union—a beacon of educational equality in Manhattan’s rapidly changing East Village, which I represent in the state Senate—is a betrayal of New York’s trust that not only jeopardizes the college’s reputation, but also its standing in our community. Unless a lawsuit brought by a coalition of students, alumni and faculty succeeds in preserving Peter Cooper’s mission of free tuition at this historic school—or the Attorney General intervenes—tuition bills will start arriving next month in the mailboxes of incoming students for the first time in the school’s 155-year history. That would be a shame.

In 1859, the New York State Legislature passed an "Act to Enable Peter Cooper to Found a Scientific Institution in the City of New York." That institution would go on to become one of the nation’s most elite, enduring and meritocratic colleges, founded on Peter Cooper’s guiding principle that education should be “free to all.” The Cooper Union dedicated itself to excellence in arts and sciences and opened its doors to the working class, women and people of color. Sustained by an endowment that includes the Chrysler Building, it has indeed been “free to all” since 1859, through the Civil War, World Wars I and II, the Great Depression and numerous recessions.

In defiance of Peter Cooper’s vision, the current president and the Board of Trustees have decided to charge incoming students tuition for the first time in the school’s history, citing a “fiscal crisis” at the school—even as more than \$165 million has been spent on a new academic building and a lavish inauguration party for the president.

The administration has predictably faced a backlash from the school community. Students have occupied the president’s office in protest and the faculty has twice cast a vote of “no confidence” in the president. Many alumni have slowed or stopped their support for the school because they believe it has veered from its core mission. But the state and City of New York have an equally important interest in preserving free tuition at Cooper Union.

When the state enacted legislation codifying Peter Cooper’s vision of free tuition a century and a half ago, it established the basis for decades of public support and financing. For example, Cooper Union does not pay property taxes on the Chrysler Building, even though it is not used for academic purposes—a tax subsidy worth \$19 million annually. The school has had to defend its unique tax subsidy repeatedly throughout its history and has done so by citing its tuition-free

status, which, as they have argued in court, essentially makes it an extension of the city's public education system.

If Cooper Union becomes a tuition-based college, it will no longer be a unique extension of our state's public education system, raising the question of whether it is still deserving of taxpayer support. In the long run, the cost of charging tuition may in fact be higher than the benefit. It's especially troubling that Cooper Union hasn't publicly made an adequate case for its departure from the school's traditional operating model. One of the answers being sought by the coalition of students, faculty and alumni is an accounting of the "fiscal crisis" that supposedly led the administration to start charging tuition in the first place. They deserve a thorough and transparent explanation from the college, detailing exactly how the administration managed the school's finances and arrived at the decision to charge tuition, despite the fact that the rent Cooper Union receives from the Chrysler building will soar from about \$9 million this year to \$32.5 million in 2018.

New York needs the same Cooper Union we have had for the past 155 years providing excellence in engineering and the arts. It's time for the board, state and local government officials, and all parties involved, to forge a plan that will preserve Peter Cooper's model of free tuition and save this great institution from becoming just another college.

Brad Hoylman is a state Senator representing the 27th District, which includes Cooper Union.